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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re
MI PUEBLO SAN JOSE, INC.

Debtor.

Case No. 13-53893-ASW

Chapter 11

**STIPULATION TO CONTINUE
DEADLINES RE: DEBTOR'S MOTION
TO EXTEND EXCLUSIVE PERIODS**

Hearing Date

Date: November 8, 2013
Time: 2:15 p.m.
Place: Courtroom 3035
280 S. First Street
San Jose, CA

The Official Committee of Unsecured Creditors of Mi Pueblo San Jose, Inc.
(the "Committee") and Mi Pueblo San Jose, Inc. (the "Debtor") hereby enter into this
stipulation (the "Stipulation"), based upon the following facts:

A. On July 21, 2013 (the "Petition Date") the Debtor filed a petition under
chapter 11 of the Bankruptcy Code.

B. The Debtor's deadlines to file a plan and obtain acceptances thereof
are currently November 19, 2013 and January 18, 2014 (together, the "Exclusive Periods").

1 C. On October 8, 2013, the Debtor filed its *Motion to Extend Exclusive*
2 *Periods (11 U.S.C. §§1121(d))* [Docket No. 309] ("Motion"). Pursuant to the Motion, the
3 Debtor seeks to extend the Exclusive Periods by 90 days to February 17, 2014 and April
4 18, 2014, respectively.

5 D. On October 10, 2013, the Court entered its *Order Specially Setting*
6 *Hearing on Motion to Extend Exclusive Periods* [Docket No. 314] (the "Order").

7 E. The Order requires that parties file and serve objections to the Motion
8 on or before October 25, 2013 (the "Objection Deadline"), and a reply to any objection to
9 the Motion be filed and served on or before November 1, 2013. (the "Reply Deadline").

10 F. The Court has set the Motion for hearing on November 8, 2013 at 2:15
11 p.m. (the "Hearing").

12 G. Since the filing of the Motion, the Debtor and the Committee (the
13 "Parties") have been working to consensually resolve the Committee's issues with regards
14 to the Motion. The Parties are still negotiating various issues, and these issues may be
15 resolved without need for the Committee to file an objection. Thus, the Parties seek an
16 extension of the Committee's Objection Deadline and the Debtor's Reply Deadline.

17 **NOW, THEREFORE**, it is hereby stipulated and agreed that:

18 1. Extension of Objection and Reply Deadline. The Objection Deadline
19 for the Committee shall be extended by 7 days to November 1, 2013. The Reply Deadline
20 for the Debtor shall be extended by 6 days to November 7, 2013.

21 2. Miscellaneous.

22 a. Authority - The undersigned counsel have requisite authority to
23 execute, deliver, and bind the performance of their respective parties under this
24 Stipulation.

25 b. Binding Effect - This Stipulation shall be binding among the
26 parties as soon as a fully-executed version has been filed with the Court.

27 c. Bankruptcy Court Jurisdiction - The Bankruptcy Court shall
28 retain exclusive jurisdiction over the subject matter of this Stipulation.

1 **WHEREFORE**, the Debtor and the Committee hereto request that this Court
2 enter an Order approving this Stipulation.

3
4 DATED this 24th day of October, 2013.

5
6 **THE COMMITTEE**

7 /s/ Eric D. Goldberg
8 ERIC D. GOLDBERG,
9 GABRIEL I. GLAZER, and
10 DANIELLE A. PHAM, Members of
11 STUTMAN, TREISTER & GLATT PC
12 Counsel for the Official Committee of
13 Unsecured Creditors
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THE DEBTOR

Robert Y Harris
ROB HARRIS and
ROYA SHAKOORI
BINDER & MALTER, LLP

Counsel for the Debtor

1 **CERTIFICATE OF SERVICE**

2 I, Lisa Masse, declare:

3 I am over the age of eighteen years and not a party to the within action. I am
4 employed in an office that employs a member of the bar of this Court, at whose direction
5 the within service was made. My business address is 1901 Avenue of the Stars, 12th Floor,
6 Los Angeles, California 90067.

7 On October 24, 2013, I served the following document:

8 **STIPULATION TO CONTINUE DEADLINES RE: DEBTOR'S MOTION TO EXTEND**
9 **EXCLUSIVE PERIODS**

10 on the person and/or entities indicated on the attached service list at the last known
11 address, as set forth in Exhibit 1, by placing true and correct copies thereof in a sealed
12 envelope in the United States Mail, first class, unless otherwise indicated, postage prepaid.

13 The document was also served by the Court Via Notice of Electronic Filing on
14 October 24, 2013 at the email addresses listed on Exhibit 2.

15 The document was also served by Overnight Mail via Federal Express on
16 October 24, 2013 to:

17
18 Judge Arthur S. Weissbrodt
19 c/o Brook Esparza
20 United States Courthouse, Room 3035
280 South First Street
San Jose, CA 95113-3099

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on October 24, 2013 at Los Angeles, California.

23
24 /s/ Lisa Masse
25 Lisa Masse
26
27
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Exhibit 1

Request for Special Notice

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Exhibit 2

Richard L. Barnett on behalf of Creditor Nafta Distributors, Inc.
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